

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
**diGirolamo et al.**

Serial No.: **10/682,586**

Filed: **October 9, 2003**

For: **Stud Spacer for Metal Wall**

Docket No: **4782-030**

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PATENT PENDING

Examiner: Mr. Phi Dieu N Tran A

Group Art Unit: 3637

Confirmation No.:9767

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

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☒ transmitted by EFS.

October 20, 2006  
Date

  
Kathy McDermott

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

This is in response to the action dated September 29, 2006. The Examiner indicates that Applicant has not provided the proper status identifier for the withdrawn claims. This response places the proper identifier for the withdrawn claims.

Please note that this response includes most of the original remarks set forth in the last response.

The Examiner also maintains that Applicant has not properly responded to the double patenting rejection. Respectfully, Applicant believes that a proper response was set forth. It is believed that a double patenting rejection should not be applicable in this case. However, to advance the prosecution in this case, counsel for Applicant is herein submitting a terminal disclaimer with respect to co-pending application no. 10/910114.

It is believed that the present application is in condition for allowance and allowance is respectfully requested.

While no fees should be required for entry of this response, if any fees or charges are required, the Commissioner is hereby authorized to charge them to Deposit Account 18-1167.